

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

Tantum Companies, LLC, et al.,¹

Debtors.

Case No. 23-30407

Chapter 11

**EX PARTE MOTION OF THE DEBTORS FOR EXTENSION OF TIME
WITHIN WHICH TO FILE (I) SCHEDULES OF ASSETS AND LIABILITIES
AND (II) STATEMENTS OF FINANCIAL AFFAIRS**

Tantum Companies, LLC and BYB Leasing, LLC, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), respectfully request the entry of an order extending the time within which the Debtors must file their (i) schedules of assets and liabilities, and (ii) statements of financial affairs (collectively, the “Schedules”) by an additional fourteen (14) days through and including July 24, 2023, or such other time period as the Court may deem appropriate, pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of this Motion, the Debtors respectfully state and represent as follows:

JURISDICTION

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this case and this Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The statutory predicate for the relief requested herein is Bankruptcy Rule 1007(c).

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Tantum Companies, LLC (Tax ID: 82-1558256) and BYB Leasing, LLC (Tax ID: 85-2862164).

2. No previous request for the relief requested herein has been made to this Court or to any other court.

RELIEF REQUESTED

3. The Debtors' current deadline to file the Schedules is July 10, 2023. By this Motion, the Debtors respectfully request that the Court extend the deadline by an additional fourteen (14) days, through and including July 24, 2023, or such other time period as the Court may deem appropriate, without prejudice to the Debtors' ability to request additional time should the need arise.

BASIS FOR THE RELIEF REQUESTED

4. In order to prepare the Schedules, the Debtors must gather information from their books, records, and other documents all while continuing to run and operate the companies. While the Debtors have begun compiling the Schedules, the Debtors have been focused recently on other bankruptcy issues such as cash collateral and DIP financing. Consequently, the Debtors need the additional time requested herein to collect the information necessary to complete the Schedules.

5. The Debtors are requesting a relatively short extension as a sign of good faith that the request is made not for any purpose of delay but is necessary because the task is unusual and unfamiliar to the staff of the Debtors.

6. Accordingly, pursuant to this Motion, the Debtors respectfully request that the Court extend the fourteen-day period within which it must file their Schedules and Statements of Financial Affairs, through and including July 24, 2023. This Court has authority to grant such an extension under Bankruptcy Rule 1007(c), which provides that "[a]ny extension of time for the filing of the schedules and statements may be granted only on motion for cause shown and on

notice to the [Bankruptcy Administrator] and to any committee . . . trustee, examiner, or other party as the court may direct.”

7. Notice of this Motion has been given to (a) the Bankruptcy Administrator for the Western District of North Carolina and (b) those parties requesting notice pursuant to Bankruptcy Rule 2002.

WHEREFORE, the Debtors respectfully request the entry of an order granting the relief requested herein and such other and further relief as is just and proper.

Dated: Charlotte, North Carolina
July 6, 2023

HAMILTON STEPHENS
STEELE + MARTIN, PLLC

/s/ Matthew A. Winer

Robert A. Cox, Jr. (Bar No. 21998)
Matthew A. Winer (Bar No. 56222)
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202
Telephone: (704) 344-1117
Facsimile: (704) 344-1483
rcox@lawhssm.com
mwiner@lawhssm.com

Attorneys for Debtors-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that on this date copies of the foregoing were served by electronic notification on those parties registered with the United States Bankruptcy Court, Western District of North Carolina ECF system to receive notices for this case

Dated: Charlotte, North Carolina
July 6, 2023

/s/ Matthew A. Winer

Matthew A. Winer

HAMILTON STEPHENS
STEELE + MARTIN PLLC
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202